

Under the Federal Tort Claims Act (“FTCA”), a “tort claim . . . shall be forever barred unless it is presented in writing to the appropriate Federal agency within two prior years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency.” 28 U.S.C. § 2401(b). Thus, plaintiff can only proceed on the claims presented

administratively prior to filing suit. In this matter, Leiber filed a timely claim with the United States Postal Service, but only made claims for property damage in the amount of \$6,409.26. Defendant indicates that any other claims, especially those for personal injury, are precluded as plaintiff did not present those claims through the administrative process.

Plaintiff filed no response.

**Ruling: Sustained.**

**III. The United States moves the Court to enter an Order excluding any argument or documentary or testimonial evidence seeking an award of punitive damages or generally regarding the wealth disparity between the parties or pleading financial impoverishment by Leiber.**

Defendant notes that arguments regarding wealth or status of a defendant are improper, and such evidence should be kept out of an FTCA action because of the size and pre-existing animus toward the federal government. Further, punitive damages are not recoverable under the FTCA. 28 U.S.C. § 2674.

Plaintiff filed no response.

**Ruling: Sustained.**

The Clerk of the Court is directed to send a copy of this Order via first class mail to plaintiff at the following address: Steven Dale Leiber, 11272 East 71<sup>st</sup> Terrace, Raytown, Missouri 64133.

**IT IS SO ORDERED.**

Date: September 18, 2013  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge